

AMENDED IN ASSEMBLY AUGUST 18, 2016

SENATE BILL

No. 1313

Introduced by Senator Hall

February 19, 2016

~~An act to amend Section 19819 of the Business and Professions Code, relating to gambling.~~ *An act to add Section 12012.78 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, as amended, Hall. ~~Gambling: California Gambling Control Commission.~~ *Tribal gaming: compact ratification.*

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments to tribal-state gaming compacts, between the State of California and specified Indian tribes.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Yocha Dehe Wintun Nation, executed on August 4, 2016. The bill would provide that, in deference

to tribal sovereignty, certain actions are not projects for the purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Gambling Control Act, provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. The act requires 5 members to be appointed to the commission by the Governor, subject to confirmation by the Senate. The act specifies that a majority of the appointed members of the commission is a quorum and that the concurring vote of 3 members of the commission is required for any official action of the commission or for the exercise of any of the commission's duties, powers, or functions. Existing law requires that a public record of every vote of the commission be maintained at its principal office.~~

~~This bill would additionally require that a public record of every vote of the commission be posted on the commission's Internet Web site no later than 48 hours after the vote is taken.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12012.78 is added to the Government
- 2 Code, to read:
- 3 12012.78. (a) The tribal-state gaming compact entered into
- 4 in accordance with the federal Indian Gaming Regulatory Act of
- 5 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec.
- 6 2701 et seq.) between the State of California and the Yocha Dehe
- 7 Wintun Nation, executed on August 4, 2016, is hereby ratified.
- 8 (b) (1) In deference to tribal sovereignty, none of the following
- 9 shall be deemed a project for purposes of the California
- 10 Environmental Quality Act (Division 13 (commencing with Section
- 11 21000) of the Public Resources Code):
- 12 (A) The execution of an amendment to the tribal-state gaming
- 13 compact ratified by this section.
- 14 (B) The execution of the tribal-state gaming compact ratified
- 15 by this section.

1 (C) *The execution of an intergovernmental agreement between*
2 *a tribe and a county or city government negotiated pursuant to*
3 *the express authority of, or as expressly referenced in, the*
4 *tribal-state gaming compact ratified by this section.*

5 (D) *The execution of an intergovernmental agreement between*
6 *a tribe and the Department of Transportation negotiated pursuant*
7 *to the express authority of, or as expressly referenced in, the*
8 *tribal-state gaming compact ratified by this section.*

9 (E) *The on-reservation impacts of compliance with the terms*
10 *of the tribal-state gaming compact ratified by this section.*

11 (F) *The sale of compact assets, as defined in subdivision (a) of*
12 *Section 63048.6, or the creation of the special purpose trust*
13 *established pursuant to Section 63048.65.*

14 (2) *Except as expressly provided herein, this subdivision does*
15 *not exempt a city, county, or city and county, or the Department*
16 *of Transportation, from the requirements of the California*
17 *Environmental Quality Act.*

18 SEC. 2. *This act is an urgency statute necessary for the*
19 *immediate preservation of the public peace, health, or safety within*
20 *the meaning of Article IV of the Constitution and shall go into*
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to enhance the economic development, stability, and*
23 *self-sufficiency of the Yocha Dehe Wintun Nation and to protect*
24 *the interests of the tribe and its members, the surrounding*
25 *community, and the California public at the earliest possible time,*
26 *it is necessary that this act take effect immediately.*

27 ~~SECTION 1. Section 19819 of the Business and Professions~~
28 ~~Code is amended to read:~~

29 ~~19819. (a) The commission shall establish and maintain a~~
30 ~~general office for the transaction of its business in Sacramento.~~
31 ~~The commission may hold meetings at any place within the state~~
32 ~~when the interests of the public may be better served.~~

33 ~~(b) A public record of every vote shall be maintained at the~~
34 ~~commission's principal office and posted on the commission's~~
35 ~~Internet Web site no later than 48 hours after the vote is taken.~~

36 ~~(c) A majority of the membership of the commission is a quorum~~
37 ~~of the commission. The concurring vote of three members of the~~
38 ~~commission shall be required for any official action of the~~
39 ~~commission or for the exercise of any of the commission's duties,~~
40 ~~powers, or functions.~~

1 ~~(d) Except as otherwise provided in this chapter, Article 9~~
2 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~
3 ~~Division 3 of Title 2 of the Government Code applies to meetings~~
4 ~~of the commission. Notwithstanding Section 11125.1 of the~~
5 ~~Government Code, documents that are filed with the commission~~
6 ~~by the department for the purpose of evaluating the qualifications~~
7 ~~of an applicant are exempt from disclosure under Chapter 3.5~~
8 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
9 ~~Government Code.~~

O